

Removes an expiration date from language concerning the sale of food at events held for the benefit of certain non-profit organizations.

1                   SECTION 1. IC 16-42-5-4, AS AMENDED BY P.L.138-2006, SECTION 11, IS  
2                   AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) An  
3                   organization that is:

- 4                               (1) organized for nonreligious or noneducational purposes;
- 5                               (2) exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B),  
6                               IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D); and
- 7                               (3) that offers food for sale to the final consumer at an event held for the  
8                               benefit of the organization;

9                   is exempt from complying with the requirements of this chapter that may be imposed  
10                  upon the sale of food at that event if the events conducted by the organization under this  
11                  section take place for not more than thirty (30) days in a calendar year.

12                  (b) An organization:

- 13                               (1) that is organized for:
  - 14                                       (A) religious; or
  - 15                                       (B) educational purposes in a non-public educational setting;
- 16                               (2) that is exempt from the state gross retail tax under  
17                               IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D);  
18                               and
- 19                               (3) that offers food for sale to the final consumer at an event held for the  
20                               benefit of the organization;

21                  is exempt from complying with the requirements of this chapter that may be imposed  
22                  upon the sale of food at that event unless the food is being provided in a restaurant or a  
23                  cafeteria with an extensive menu of prepared foods.

24                  (c) A restaurant or cafeteria setting described in subsection (b) does not include  
25                  the following:

- 26                               (1) A pitch in.
- 27                               (2) A bake sale.
- 28                               (3) A fish fry, chili supper, spaghetti supper, or similar event with a

1 limited menu.

2 (4) Food prepared by a licensed retail food establishment.

3 (5) A concession stand.

4 (6) Heating or serving precooked foods.

5 (7) Preparing or serving a continental breakfast such as rolls, coffee, juice,  
6 milk, and cold cereal.

7 (8) Preparing or serving nonalcoholic or alcoholic beverages that are not  
8 potentially hazardous beverages or ice.

9 (9) Preparing or serving packaged or unpackaged foods that are not  
10 potentially hazardous foods, including elephant ears, funnel cakes, cotton  
11 candy, confectionaries, baked goods, popcorn, and chips and grinding  
12 coffee beans.

13 (10) Providing prepackaged food in the food's original package.

14 (d) This section does not prohibit an exempted organization from waiving the  
15 exemption and applying for a license under this chapter.

16 (e) It is recommended that an organization that is exempt under this section  
17 should still follow safe food handling practices.

18 ~~(f) This section expires January 1, 2008.~~